

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RAJIV BERRY,	:	
Plaintiff,	:	Case No. 3:19-CV-140
v.	:	JUDGE WALTER H. RICE
DR. HEATHER WILSON,	:	
Defendant.	:	

---

DECISION AND ENTRY SUSTAINING IN PART AND OVERRULING  
IN PART PLAINTIFF'S RULE 6 [b] MOTION TO EXTEND TIME TO  
OCTOBER 24, 2019, IN ORDER TO SERVE DEFENDANT (DOC. #6);  
PLAINTIFF TO COMPLETE SERVICE ON DEFENDANT ON OR  
BEFORE FEBRUARY 14, 2020

---

On October 30, 2019, the Court filed its Order to Show Cause, Doc. # 5, ordering that Plaintiff show cause within twenty (20) days why the case should not be dismissed due to Plaintiff's failure to complete service on Defendant. Plaintiff was further ordered to file an appropriate motion, under Fed. R. Civ. P. 6(b), to extend the time period for completing service.

In response to the Court's Show Cause Order, Doc. #5, Plaintiff filed, on December 11, 2019, a "Rule 6[b] Motion" requesting an extension of time to October 24, 2019, a day after he claims Defendant was served, in order to complete service on Defendant. Doc. #6. An affidavit of Plaintiff's counsel, attached to his motion, states that Defendant was actually served on October 23,

2019, but Plaintiff's counsel was unable to respond to the Court's Order until December 11, 2019. *Id.*, PAGEID#19.

Defendant has filed a response, Doc. #7, stating that service has not been perfected since Fed. R. Civ. P. 4(i)(1)(A)(i) requires Plaintiff to also serve the United States Attorney for the district where the action is brought and the Attorney General of the United States in Washington, D.C. Defendant does not, however, oppose a short extension of time for service to be completed on these individuals.

Because service has not been completed on Defendant but Plaintiff has shown good cause for an extension of time to do so, Plaintiff's motion, Doc. #6, is sustained in part and overruled in part. Plaintiff is ordered to complete service on Defendant on or before February 14, 2020.

Date: January 2, 2020

  
\_\_\_\_\_  
WALTER H. RICE  
UNITED STATES DISTRICT JUDGE